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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

First Named Applicant: Safko

Serial No.: 09/665,368

Filed: September 19, 2000

For: SYSTEM AND METHOD FOR PROVIDING PAPER
MODELS OVER A WIDE AREA COMPUTER
NETWORK

Art Unit: 2154

Examiner: Chang

1173.001

January 27, 2004
750 B STREET, Suite 3120
San Diego, CA 92101RESPONSE TO OFFICE ACTIONCommissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

The following remarks are submitted in response to the Office Action dated December 16, 2003. All pending claims (1-19) have been rejected under 35 U.S.C. §103 as being unpatentable over eBay's Hess et al. patent, used as a teaching of "providing models" over the Internet, in view of Matos, used as a teaching of paper models. The rejection makes the classic mistakes of proposing a combination that would not in fact result in the present claims, and that is unsupported by the requisite *prior art* suggestion to combine. Accordingly, Applicant respectfully asserts that a prima facie case of obviousness has not been established under MPEP §2142 *et seq.*

First, consider what the relied-upon sections of Hess et al. teach. Col. 5, lines 1-20 and col. 10, lines 1-32 mention that either a list of items to be sold or thumbnails of the items may be presented, to allow a buyer to preview the items. At col. 4, lines 7-22 Hess et al. does indeed disclose a server and a user

1173-1.AMD